

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

DOUGLAS MITCHELL,

Plaintiff,

v.

CASE NO. 06-14296  
HON. LAWRENCE P. ZATKOFF

ALLIED INTERSTATE, INC.,

Defendant.

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**ORDER DISMISSING PLAINTIFF'S STATE LAW CLAIMS**

Plaintiff filed his Complaint on September 28, 2006. Plaintiff's Complaint is not organized into separate counts; rather it includes claims under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692 et seq., and the Michigan Collection Practices Act ("MCPA"), Mich. Comp. Laws § 445.251 et seq., under the heading "Causes of Action." *See* Complaint.

The Court has subject matter jurisdiction the FDCPA claim, because it arises under federal law. *See* 28 U.S.C. § 1331. The MCPA claim, however, is based upon state law. Although the Court has supplemental jurisdiction over state law claims pursuant to 28 U.S.C. § 1367(a), the Court may decline to exercise supplemental jurisdiction if there are "compelling reasons for declining jurisdiction." *See* 28 U.S.C. § 1367(c)(4). The Court declines to exercise supplemental jurisdiction over Plaintiff's state law claim in this matter. The Court finds that the contemporaneous presentation of Plaintiff's parallel state claims for relief will result in the undue confusion of the jury. *See* 28 U.S.C. § 1367(c)(4); *see also Padilla v. City of Saginaw*, 867 F. Supp. 1309, 1315 (E.D. Mich. 1994).

Accordingly, IT IS ORDERED that Plaintiff's state law claim under the Michigan Collection

Practices Act is hereby DISMISSED without prejudice. The Court retains jurisdiction over Plaintiff's federal claim under the FDCPA.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff  
LAWRENCE P. ZATKOFF  
UNITED STATES DISTRICT JUDGE

Dated: October 20, 2006

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on October 20, 2006.

s/Marie E. Verlinde  
Case Manager  
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